

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of)	
)	
Wiginton et al.)	
)	Group Art Unit: 2193
Serial No. 09/998,415)	
)	Examiner: Ingberg
Filed: November 29, 2001)	
)	
For: METHODS AND)	
APPARATUSES FOR BUILDING)	
INSTALLATION SOFTWARE)	

APPEAL BRIEF

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is an appeal from the decision of the Examiner mailed on June 16, 2006, rejecting claims 1-13 and 21-32 of the above-identified patent application.

REAL PARTY IN INTEREST

The real party in interest in this appeal is Wizard Technologies, Inc. as shown by the assignment recorded at 013914 and Frame 0376.

RELATED APPEALS AND INTERFERENCES

Neither Appellant nor Appellant's legal representative know of appeals or interferences that will directly affect, or be directly affected by, or have a bearing on the Board's decision in the present appeal.

STATUS OF CLAIMS

Claims 1-13 and 21-32 are rejected and remain in this application. Claim 14-20 have been withdrawn from consideration.

This appeal is taken from the rejection of claims 1-13 and 21-32.

No claims are allowed.

STATUS OF AMENDMENTS

An Amendment was filed on March 22, 2006, in response to a November 2005 Office Action. The Examiner entered the amendment and issued a final rejection of the Application on June 16, 2006. A Notice of Appeal was filed on September 6, 2006.

SUMMARY OF THE CLAIMED SUBJECT MATTER

The present invention relates to a methods and apparatuses to build implementation installation software and implementation installation software built using the methods and apparatuses to build the same. In particular, the technology of the present application provides a methodology and associated software to allow a programmer to build an implementation installation software “wizard” to install complex software packages. The complex software packages are defined to include at least accounting software such as, for example, Great Plains Solomon Select/Premier accounting software, that have “complex functionalities of each module and the interaction between the modules” (Original Specification at page 1, lines 17-29).

Independent claim 1 relates to a method in a computer system for enabling the development of implementation installation software. An exemplary computer system is shown in figure 1, which shows a convention personal computer 100. The computer 100 includes codes and/or scripts to generate question templates that are displayed to software experts. (Original Specification at page 6, lines 17-21). The templates are designed to assist the software expert generate questions that will be compiled into a wizard. In particular, the templates are designed to facilitate development of questions that will solicit information, including names for database fields from an end user, that the complex software to be installed will need. (Original Specification at page 6, lines 21-23).

As shown, the builder portion of the present application causes the process to generate and display a question definition screen. (Original Specification at page 10, lines 15-20, figure 6 step 604). The question definition screen includes configurations as shown in figures 2A to 2D. A specific example of a question definition screen is shown at figure 2B and described as including,

inter alia, a question identifier 224 and a question field 228. Question field contains both the question field 228a and the response field 228b.

The expert would next enter the question into the generated question definition screen. (Original Specification at page 10, lines 20-24, figure 6 step 606). Entering a question is further shown by the edit question template 200c shown in figure 2C. The question is designed to solicit a particular response from the end user of the complex software package. As shown in figure 2C, for example, the question may include an indication of the software module that is to be set up. As shown, the question is specifically designed in this case to solicit a response from the end user of the complex software package relating to which of several listed modules are being set up as shown by the selection of a multiple choice response in response field 236. (Original Specification at page 10, lines 20-29, figure 6 steps 608/610).

Subsequent to the generation of each question, the building application queries whether additional information to install the software package is needed. (Original Specification at page 10, line 30, to page 11, line 1, figure 6 step 612). If additional information is necessary, links to various next questions based on the possible responses are provided (Original Specification at page 11, lines 5-11, step 614b). For the generation of the next question, the builder generates a new question generation screen for the expert to input additional questions. (Original Specification at page 11, lines 11-13, step 604/606). If additional information is determined not to be necessary, the application is compiled into an executable file. (Original Specification at page 11, lines 1-4, figure 6 step 614a).

Independent claim 7 provides an apparatus to enable the development of installation software for complex software packages. In particular, claim 7 relates to at least one processing unit (102) to execute instructions contained in an executable file stored in a memory (104). The instructions include at least

one instruction to display a question on question definition screen 200b on a display 138. (Original Specification at page 5, line 9, to page 6, line 1).

The expert (or intermediate user) uses at least one input 112 to input questions necessary to solicit information from the end user of the complex software package. Once the questions and links to next questions are generated, a compiler compiles the information into an executable file such that execution of the file solicits information from the end user to set options in and implement the at least one independent module of the complex software package. (Original Specification at page 5, line 9, to page 11, line 25, and at least figures 1-6).

Independent claim 11 relates to a computer program product comprising a computer usable medium for performing the methodologies outline above. Specifically, the computer program product includes a question generation module to generate the at least one question definition screen shown in figure 200b. The software includes a receiving module to receive at least one question designed to solicit information relating to the business of the end user of the complex software package shown in figure 1.

Independent claim 21 is similar to independent claim 1 identified above. However, it further includes identifying prior to starting the wizard building process a plurality of business operating information necessary to implement and install the business related software (See Original Specification including page 10, line 8, to page 11, line 23).

Independent claim 29 is similar to independent claim 11 identified above. It further includes a business solicitation module configured to generate and display and edit question screen having particular fields to assist an expert enter questions designed to solicit specific business information the complex software package will require. (See figures 2a to 2d).

Independent claim 32 relates to a wizard or installation program developed by compiling code generated by any of the above referenced methods.

GROUND OF REJECTION PRESENTED FOR REVIEW

The grounds of rejection presented for review are:

- (1) Are claims 1-13 and 21-32 unpatentable under 35 U.S.C. § 102(b) as being anticipated by “The Official Software Companion Microsoft Profit” publication?”
- (2) Are claims 2, 12, and 24 unpatentable under 35 U.S.C. § 103(a) as being obvious over “The Official Software Companion Microsoft Profit” in view of “Encryption as taught by Computer Security Basics”?
- (3) Are claims 1-13 and 21-32 unpatentable under 35 U.S.C. § 112, first paragraph, because the disclosure is not enabling as “First User” is critical or essential to the practice of the invention but not included in the claim(s) is not enabled by the disclosure?
- (4) Are claims 7-13 and 21-32 unpatentable under 35 U.S.C. § 112, first paragraph, because “complex software packages” has no support in the specification?
- (5) Are claims 1-13 and 21-32 unpatentable under 35 U.S.C. § 112, first paragraph, because the term implementing is not enabled?

- (6) Are claims 1-13 and 21-32 unpatentable under 35 U.S.C. § 112, first paragraph, because the terms “implementation” and “implement” are not supported by the specification?
- (7) Are claims 1-13 and 21-32 unpatentable under 35 U.S.C. § 112, first paragraph, because the term “independent module” is not supported in the original disclosure and is deemed new matter?
- (8) Are claims 1- and 29-31 unpatentable under 35 U.S.C. § 112, first paragraph, because the following limitations are not supported by the specification: (a) “wherein later addition of independent modules uses the solicited information from the non-expert user to ensure the later addition independent modules are implemented consistent with the software package and at least the first information relating to the user”, (b) “intermediate user”, and “ensuring?”

ARGUMENT

1. Are claims 1-13 and 21-32 unpatentable under 35 U.S.C. § 102(b) as being anticipated by “The Official Software Companion Microsoft Profit” publication?

The applicants respectfully submit that the Examiner is using impermissible hindsight and assuming the installation wizard product associated with the Profit reference must have been developed using the present invention. However, the Profit reference *only* instructs regarding how to use the installation wizard and does not provide any information regarding how the wizard screens were generated. Conversely, claim 1 of the present application recites a combination of elements including, for example, “generating at least one question definition screen; entering by the expert at least one question on the at least one generated question definition screen, the at least one question entered by the expert being designed to solicit at least first information from an end user relating to a business of the end user,” which generation of at least one question definition screen to facilitate the generation of the screen shown by Profit is not disclosed, suggested, or taught.

At most, the Profit reference provides screens to be used by a wizard application designed to solicit information. **But the profit reference is completely silent regarding how the screen used by the wizard are generated.** Because profit is simply providing instructions on how to use an already generated Wizard product, it has no insight into building the screen in the first place. Conversely, the present claim 1 provides methods, apparatuses, and software to create the screen shown designed to solicit information. In fact, the Examiner does not point to one specific reference where the Profit reference provides any information regarding building the wizard. Because the Profit reference only provides examples for using an existing wizard, it does not show or anticipate “generating at least one question definition screen” or “entering by

the expert at least one question on the at least one generated question definition screen.” At most, the Profit reference provides a final screen, but does not provide any suggestion or teaching regarding how that screen was developed.

The Examiner seems to believe the applicants are taking the position that having the source code is the only way to anticipate the present application. However, such is not the case. The applicants are simply requesting the Examiner to point to a reference that discloses methods or apparatuses to develop implementation installation software rather than the implementation software already developed. The original specification makes clear, the generation of a screen designed to solicit information for use by a wizard may be created in many different ways. The present invention provides a unique way of creating the screens designed to solicit information. The references of record are simply silent regarding the generation of a screen to solicit information. Thus, the applicants respectfully submit that the Examiner is impermissible relying on the teachings of the present application and assuming the screen shown by Profit to solicit information usable by Profit must have been generated using the present invention. Such hindsight is impermissible.

In particular, the Examiner relies on a disclosure that relates to a software package, more particularly an accounting software package. To assist in the installation of the software package, the software package is provided with an installation wizard. Applicants do not dispute that the Profit software as detailed more below in fact has an installation wizard. However, as described above, the present invention relates to a method and device for “the development of implementation installation software” in the first instance. Conversely, and at most, the Profit software and its associated manuals at most **have** installation software with screens. They do **not disclose, suggest, teach, or even describe** “the development of the implementation installation software” nor generating at least one question definition screen, but rather only disclose using such implementation installation software provided. The applicants submit that the references have nothing to do with the development of the installation software, but rather the use of

such software. Moreover, many different programming techniques may have been used to develop the installation software, and the applicants respectfully submit that the Examiner is using improper hindsight in view of the present invention to assume the installation software provided must have been developed using the present invention.

Looking specifically to claim 1, it relates to and recites a combination of elements including, for example, a “method in a computer system for enabling the development of implementation installation software by an expert for use by an end user to solicit and implement business related data for a software package comprising at least one independent module, the method comprising the steps of: generating at least one question definition screen; entering by the expert at least one question on the at least one generated question definition screen, the at least one question entered by the expert being designed to solicit at least first information from an end user relating to a business of the end user; determining whether additional information relating to the business of the end user is necessary to implement the software package on a computer system of the end user, the software package comprising executable instructions to perform a plurality of tasks wherein at least one of the tasks requires the additional information; if additional information is necessary, providing links to next questions to solicit additional information; if additional information is not necessary, compiling the at least one entered question into implementation installation software designed to solicit information from the end user relating to the business of the end user such that the solicited information from the end user is used to set specific options in the at least one independent module of the software package requiring the solicited information so the at least one independent module of the software package can be implemented and installed on the computer system of the end user; and wherein later addition of independent modules uses the solicited information from the end user to ensure the later addition independent modules are implemented consistent with the software package and at least the first information

relating to the business of the end user,” which is not disclosed or suggest by the Profit reference. Rather, the Profit reference discloses a software package that happens to have an installation wizard, but provides zero teaching regarding how that installation wizard was developed.

The present invention as recited by the claims is not directed simply to a software package with an installation wizard but rather the present invention relates (to paraphrase) to the development of the installation wizard for the software package in the first instance. In fact, the difference between prior art and the present invention is clear by looking at the title of the Profit reference. The title of the Profit reference is “Installing Microsoft Profit.” In other words, the Profit reference steps you through installing profit using many windows and dialog boxes that are displayed to gather information from the end user. The Profit reference, however, has no disclosure about development of the installation software, but rather simply uses software already develop, and it is silent regarding the development of the installation software. To the extent the Examiner believes the installation software associated with the Profit reference was developed by generating at least one question definition screen; entering by the expert at least one question on the at least one generated question definition screen, the at least one question entered by the expert being designed to solicit at least first information from an end user relating to a business of the end user; determining whether additional information relating to the business of the end user is necessary to implement the software package on a computer system of the end user, the software package comprising executable instructions to perform a plurality of tasks wherein at least one of the tasks requires the additional information; if additional information is necessary, providing links to next questions to solicit additional information; if additional information is not necessary, compiling the at least one entered question into implementation installation software designed to solicit information from the end user relating to the business of the end user such that the solicited information from the end user is used to set specific options in the at least one independent module of the software package requiring the solicited information so the at least one independent module of the software package can

be implemented and installed on the computer system of the end user; and wherein later addition of independent modules uses the solicited information from the end user to ensure the later addition independent modules are implemented consistent with the software package and at least the first information relating to the business of the end user” is pure conjecture and using the teachings of the present invention to suppose that the programmers for Profit must have developed the installation software in the same manner. In fact, the applicants are at a loss to find one reference in the Profit reference making any mention of how the installation software, including the screens and dialog, were developed. However, the mere fact that the final installation programs work in a similar manner once develop is insufficient to support a finding of anticipation as the Profit reference does not enable the present invention. (For example, a person may patent a method to make a widget even though the widget is known provided the method is novel and unobvious). The only possible way the Examiner can reach the present conclusion is to use the teachings of the present invention and conclude the installation program for the Profit must have been developed using the present invention. However, this is improper use of hindsight.

Referring specifically to an example provided by the Examiner, the Profit reference at page 26 shows a window displayed during the installation of Profit. The window display happens to have a question and solicits information from an end user. However, the fact that a window exists does not disclose how the screen, question, and dialog box in installation program was generated. The present invention relates to a method to generate the window displayed on page 26 and not the fact that the window exists. The fact that the window exists does not enable one of skill in the art to make or use the present invention because that window may have been created using a number of different programming techniques, some of which are disclosed in the background of the invention. As mentioned above, the Examiner is using impermissible hindsight to conclude that because the window in the installation software exists, it must have been developed using the present invention. However, that is simply not true.

The remaining examples from the Profit reference identified by the Examiner show no more than additional window displays from the installation software for profit. The additional examples have no disclosure, suggestion, teaching, or information regarding how those windows were generated. As is clear, claim 1 relates to “the development of implementation installation software,” and not to the use of that software once developed, to which Profit reference is directed.

Thus, because the profit reference does not disclose, suggest, or teach **how** the wizard is developed it cannot anticipate the present claim 1. Reversal of the Examiner’s rejection of claim 1 under 35 U.S.C. § 102(b) is respectfully requested. Claims 7, 11, 21, 29, and 32 contain similar recitations regarding the development of the installation software not disclosed by the Profit reference. Reversal of the Examiner’s rejection of claims 7, 11, 21, 29, and 32 under 35 U.S.C. § 102(b) is respectfully requested. Claims 2-6, 8-10, 12, 13, 22-29, 30, and 31 depend from claims 7, 11, 21, and 29. Reversal of the Examiner’s rejection of claim 2-6, 8-10, 12, 13, 22-29, 30, and 31 under 35 U.S.C. § 102(b) is respectfully requested.

2. Are claims 2, 12, and 24 unpatentable under 35 U.S.C. § 103(a) as being obvious over “The Official Software Companion Microsoft Profit” in view of “Encryption as taught by Computer Security Basics”?

Claims 2, 12, and 24 depend from claims 1, 7, and 21. The Computer Security Basics does not relate to, disclose, suggest, or teach the development of installation software. Thus, it does not cure the defect of the Profit reference identified above. Thus, reversal of the Examiner’s rejection of claims 2, 12, and 24 under 35 U.S.C. § 103(a) is respectfully requested.

3. Are claims 1-13 and 21-32 unpatentable under 35 U.S.C. § 112, first paragraph, because the disclosure is not enabling as “First User” is critical or essential to the practice of the invention but not included in the claim(s) is not enabled by the disclosure?

The Patent Examiner has rejected claims 1-13 and 21-32 under 35 U.S.C. § 112, first paragraph, because the disclosure is not enabling as “First User” is critical or essential to the practice of the invention but not included in the claim(s) is not enabled by the disclosure.” The applicants respectfully traverse this rejection.

Section 2164.08(c) of the MPEP states:

“A feature which is taught as critical in a specification and is not recited in the claims should result in a rejection of such claim under the enablement provision”

Section 2172.01 of the MPEP states:

“A claim which omits matter disclosed to be essential to the invention as described in the specification or in other statements of record may be rejected under 35 U.S.C. 112, first paragraph, as not enabling.”

The term First User was initially introduced into the claim section of the present application pursuant to a Reply and Amendment filed on April 21, 2005. In introducing the term, the applicants changed the recitation of the phrase “end user” to -- first user --.” The designation of “first user” was not provided any special significance and simply provided to indicate that information necessary to install a software package on the computer system of a first user of the software package may be different from the information necessary to install a software package on the computer system of a second user.

In response to the Reply and Amendment Filed April 21, 2005, the Examiner latched onto the changed terminology and rejected claims 1-13 and 21-32 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Moreover, the Examiner indicated the term “First User” was “critical or essential to the practice of the invention, but not included in the

claim(s) is not enabled by the disclosure. Applicant has redefined the role of end User” to be more than one role.”

Believing the rejection to simply confusion, the applicants requested an interview with the Examiner to discuss the terms, meanings, and how best to represent the claims in a manner acceptable to the Examiner. The Examiner denied an interview.

Thus, because the Examiner was unwilling or unable to discuss the 112 rejections, the applicants filed a Reply and Amendment on October 7, 2005, deleting the term “first” and reverting back to the original – end – user recitation. Moreover, the applicants clarified for the Examiner’s benefit that “the specification (addresses) a business software implementation installation program that (assists) an owner of the business software by requesting business specific information from the owner. The designations of first user verses second user were to clarify different owners, which clearly has sufficient support to convey to someone of ordinary skill in the art that the present inventors (have) possession of the claimed invention”

Despite reverting back to the original “end” recitation, the Examiner continued the rejection under 112 in a November 29, 2005 Office Action because, the Examiner stated **without any reasonable explanation** that “First User” was somehow critical or essential to the practice of the invention. Other than the Examiner’s flat statement, the Examiner did not point to any evidence (explicit or implicit) that “First User” was somehow critical or essential to the technology of the application.

Exasperated, the applicants finally reverted to the original claim recitation of “end user.” The original recitation was **not objected to or rejected by the Examiner**. However, the Examiner has finally rejected claims 1-13 and 21-32

under 35 U.S.C. § 112, first paragraph, “as based on a disclosure which is not enabling. “First User” critical or essential to the practice of the invention, but not included in the claim(s) is not enabled by the disclosure.” It is respectfully submitted that the Examiner has not made a *prima facie* case the “First User” is critical to the practice of the invention as the Examiner cannot identify “language of the specification (making) it clear that the limitation is critical for the invention to function as intended.” (MPEP section 2164.08(c)).

Moreover, the position that “First User” is somehow critical to the practice of the invention is implicitly rebutted by the fact that the original specification and claims did not contain such a recitation. The applicants have reverted to the original language of the application, which was never rejected or objected to by the Examiner.

Thus, it is respectfully submitted that the claims 1-13 and 21-32 are not unpatentable under 35 U.S.C. § 112, first paragraph, because First User is somehow critical and/or essential to the practice of the invention.” Thus, the applicants traverse the rejection and respectfully request reversal of the rejection under 35 U.S.C. § 112, first paragraph.

4. Are claims 7-13 and 21-32 unpatentable under 35 U.S.C. § 112, first paragraph, because “complex software packages” has no support in the specification?

Although the Examiner fails to identify which claims are at issue regarding this rejection, the term “complex” only arises in the above indicated claims. The applicants respectfully traverse this rejection.

Section 2173.05(b) of the MPEP states:

“The fact that claim language, including terms of degree, may not be precise, does not automatically render the claim indefinite under 35 U.S.C. § 112, second paragraph. Acceptability

of the claim language depends on whether one of ordinary skill in the art would understand what is claimed, in light of the specification.”

In the original application, the technology was explained in relation to software packages that follow generally accepted accounting principles and standard accounting terms, which the end user and/or information technology person responsible for the software may not understand. “Moreover, the software is often complex and beyond the ability of the end user to properly install the software.” An example of such complex software was provided as “the Great Plains Solomon Select/Premier accounting software.” Moreover, the software is explained as containing “separate modules, such as general ledges (sic) module, an account receivable module, and accounts payable module, etc. that can be separately installed depending on the company’s needs. While each module is typically designed as a functioning unit, may time the modules interact. Because of the complex functionalities of each module and the interactions between the modules, the actual installation of the software typically requires the services of a “software expert” to install the software. . . .” The Examiner’s “statement that what is what is not complex is not distinct” is incorrect in that the original specification provides a distinct example of what the applicants consider to be complex and why that example is complex. In other words, the original specification is not a mere statement of the word “complex” but rather provides a “standard for measuring the degree” of what is complex by providing a clear example of actual operating software as well as why that example is in fact considered complex software. (MPEP § 2173.05(b)). Because the present application provides one distinct example of a complex software package, a description of what makes that example complex, and a standard by which to measure the degree of complexity, it is respectfully submitted that the term satisfies the requirements of 35 U.S.C. § 112.

Moreover, under MPEP section 2173, the office has indicated some latitude in the manner of expression and the aptness of the terms should be permitted even though the claim language is not as precise as the examiner might desire. To the extent the Examiner believes complex software package is not precise enough despite the examples and description in the original specification, the applicants would be willing to consider alternative phrases for the recitations. However, the Examiner has not provided clear articulation of his reasoning other than a bland statement that the term is insufficient. Moreover, although the MPEP encourages examiners to suggest claim language to applicants to improve the clarity of precision of the language used, the Examiner has not provided alternative language.

Thus, it is respectfully submitted that the claims 7-13 and 21-32 are not unpatentable under 35 U.S.C. § 112 because “complex software packages” is defined in the specification by a concrete example, an explanation of why the provided example is considered concrete, and a standard by which to measure the degree of complexity. Thus, the applicants traverse the rejection and respectfully request reversal of the rejection under 35 U.S.C. § 112.

5. Are claims 1-13 and 21-32 unpatentable under 35 U.S.C. § 112, first paragraph, because the term implementing is not enabled?

The term implement was first introduced into the present application by preliminary amendment filed September 16, 2004. The preliminary amendment was filed to clarify the use of the term “installation.” In particular, the preliminary amendment indicated that the term “installation” is understood in the art to mean both load a program onto a computer (i.e., store) and implement the program (i.e., configure for operation) such that it will work on the computer system. This definition is not only the definition of install as accepted in the industry, but as accepted in general common usage. For example, The American Heritage Dictionary of the English Language New College Edition defines “install” as “To set in position and connect [i.e., load] or adjust for use [i.e., configure or implement].” (See The American Heritage Dictionary of the English Language New College Edition 1978 at page 680). A copy of which is attached to Appendix B. The use of installation in the role of implementation (i.e., adjusting) the software package for use is explicit in the specification in that the application is described as soliciting business specific information relating to, for example, accounts receivable, accounts payable and the like verses installation in the role of loading the software package onto a computer system, which would require information such as a storage pathway (such as, for example, C:/programfiles/accounting). It is important to note that the applicants provided this preliminary amendment prior to receiving any action from the US Patent Office relating to this case. As explained in the remarks of the preliminary amendment, the clarification was to expedite the examination of the application due to the applications exceedingly long delay between filing and examination. While the entire specification supports the fact that the term installation includes the subterm implementation, the applications specifically referred to the Examiner to page 6, lines 21-26. and page 7, lines 4-6 and 19-27.

Although the applicants believe implement is at least inherent in the existing application, they are willing to amend the term back to the original term install should the Examiner desire. However, the Examiner has not provided any indication whether this return to the original recitation would be acceptable. Should the Board disagree with the applicants that the term implement is at least an inherent part of installation (as accepted by those of ordinary skill in the art and/or common meaning), it is respectfully request that the Board indicate whether reverting to the original terminology is satisfactory.

Thus, it is respectfully submitted that the claims 1-13 and 21-32 are not unpatentable under 35 U.S.C. § 112 because “implement” is defined in the specification. In particular, one of ordinary skill in the art of would understand without any additional teaching that installing a program such as Great Plains Solomon Select/Premier accounting software includes both loading the program onto a computer system and configuring or implementing the system to function once installed. Thus, the applicants traverse the rejection and respectfully request reversal of the rejection under 35 U.S.C. § 112.

6. Are claims 1-13 and 21-32 unpatentable under 35 U.S.C. § 112, first paragraph, because the terms “implementation” and “implement” are not supported by the specification?

The board is respectfully directed to the argument in paragraph 5 above. The Examiner seems to be requiring one-for-one word correspondence in the application. As explained above, the term installing encompasses the terms loading and implementing. As the original terms installing or install encompasses the term implementing or implement, it is respectfully submitted that the terms are fully supported by the original specification. Moreover, other than a bland statement that the terms fail to satisfy the written description requirement, the Examiner has failed to meet his burden of proof. In particular, the “examiner, therefore, must have a reasonable basis to challenge the adequacy

of the written description. The examiner has the initial burden of presenting by a preponderance of evidence why a person skilled in the art would not recognize in an applicant's disclosure a description of the invention defined by the claims." (MPEP section 2163.04). Moreover, even had the examiner meet this initial burden, the applicants have rebutted the evidence by supplying a dictionary definition that establishes that install include both load or implement. (See The American Heritage Dictionary of the English Language New College Edition 1978 at page 680).

Thus, it is respectfully submitted that the claims 1-13 and 21-32 are not unpatentable under 35 U.S.C. § 112 because "implement" and implementing is supported by the specification. In particular, one of ordinary skill in the art of would understand without any additional teaching that installing a program such as Great Plains Solomon Select/Premier accounting software includes both loading the program onto a computer system and configuring or implementing the system to function once installed. Thus, the applicants traverse the rejection and respectfully request reversal of the rejection under 35 U.S.C. § 112.

7. Are claims 1-13 and 21-32 unpatentable under 35 U.S.C. § 112, first paragraph, because the term "independent module" is not supported in the original disclosure and is deemed new matter

The applicants respectfully direct the Board to page 1 of the original specification at lines 21 to 29, stating:

"One such accounting software package is the Great Plains Solomon Select/Premier accounting software. This software contains over 50 *separate modules*, such as general ledgers module, an accounts receivable module, an accounts payable module, etc., that can be *separately installed* depending on the company's needs. While each module is typically designed as *a functioning unit*, may time the modules interact. Because of the complex functionalities of each module and the interaction between the

modules, the actual installation of the software typically requires the services of a “software expert” to install the software. . . .”

The Examiner appears not to dispute that this definition adequately defines independent modules, but appears to reject the application on the presumption that the terminology quote only appears in the originally filed provisional application. The Examiner is incorrect in his presumption as the original non-provisional application contains the above quoted section.

Thus, it is respectfully submitted that the claims 1-13 and 21-32 are not unpatentable under 35 U.S.C. § 112 because “independent module” is supported by the specification. In particular, one of ordinary skill in the art would understand without any additional teaching that installing a program such as Great Plains Solomon Select/Premier accounting software includes both loading the program onto a computer system and configuring or implementing the system to function once installed. Thus, the applicants traverse the rejection and respectfully request reversal of the rejection under 35 U.S.C. § 112.

8. Are claims 1-7 and 29-31 unpatentable under 35 U.S.C. § 112, first paragraph, because the following limitations are not supported by the specification: (a) “wherein later addition of independent modules uses the solicited information from the non-expert user to ensure the later addition independent modules are implemented consistent with the software package and at least the first information relating to the user”, (b) “intermediate user”, and “ensuring”?

Regarding “intermediate user,” the term was originally proposed to distinguish between the individual generating the questions during the builder portion of the application and the “end user” from which business related information is obtained. The term was originally introduced in the aforementioned preliminary amendment without objection or rejection from the patent Examiner. The term has existed in claim 7 throughout every rejection that the Examiner has made in this case notably without any object or rejection to the

term. Now – after a long prosecution history – the Examiner is indicating that “intermediate user” is unsupported. However, as is clear from the specification, the present application requires a expert software programmer to generate questions to solicit information regarding the end user’s business. Intermediate is simply a phrase to designate one verses the other. It seems the Examiner is requiring verbatim word usage between the written description and the claims, which is not required. Moreover, the Examiner indicates “intermediate user” was deleted from claims 21 and 29. This is incorrect as those claims recited -- intermediate expert user --. The applicant deleted intermediate because sufficient distinction exists between “expert user” and “end user” that the addition of intermediate provided no further clarification. The Examiner appears to confuse the deletion of intermediate from – intermediate expert user – as an admission that – intermediate user – is not supported by the original specification. However, the application clearly discloses a business owner as the end user from who business related information is sought and a previous user who generates the questions t solicit the proper business related information.

The Examiner has similarly improperly rejected the phrase “ensure the later addition independent modules are implemented consistent with the software package.” However, at page 11 lines 30-32 of the original specification, the application clearly states that prior to requesting any information “information could be retrieved as part of the setup procedure.” Thus, to the extent certain information is already stored in memory, such as, for example, accounts receivable names, the process retrieves that information prior and populates fields prior to soliciting additional information. Moreover, using earlier solicited information and/or updating previously installed modules with new information is an inherent or necessary quality of using the present invention and as such is not new matter or unsupported by the original disclosure. Apparently, the Examiner concedes this statement is fact be supported as the Examiner states:

“It is possible once the other issues are resolved this limitation may have a meaning”

Conclusion

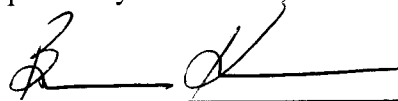
Based on the above, claims 1-13 and 21-32 are allowable and satisfy all requirements of patentability. Reversal of the Examiner’s rejection is respectfully requested.

Request:

Reversal of the Examiner's final rejection of claims 1-13 and 21-32 under 35 U.S.C. §§ 102(b), 103(a), and 112 is respectfully requested for the above-stated reasons.

Signed this 25th day of October 2006.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'B. Kinnear', is written over a horizontal line.

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APPENDIX A

Claims 1-13 and 21-32 involved in this Appeal read as follows:

1. A method in a computer system for enabling the development of implementation installation software by an expert for use by an end user to solicit and implement business related data for a software package comprising at least one independent module, the method comprising the steps of:

generating at least one question definition screen;

entering by the expert at least one question on the at least one generated question definition screen, the at least one question entered by the expert being designed to solicit at least first information from an end user relating to a business of the end user;

determining whether additional information relating to the business of the end user is necessary to implement the software package on a computer system of the end user, the software package comprising executable instructions to perform a plurality of tasks wherein at least one of the tasks requires the additional information;

if additional information is necessary, providing links to next questions to solicit additional information;

if additional information is not necessary, compiling the at least one entered question into implementation installation software designed to solicit information from the end user relating to the business of the end user such that the solicited information from the end user is used to set specific options in the at least one independent module of the software package requiring the solicited information so the at least one independent module of the software package can be implemented and installed on the computer system of the end user; and

wherein later addition of independent modules uses the solicited information from the end user to ensure the later addition independent modules

are implemented consistent with the software package and at least the first information relating to the business of the end user.

2. The method of claim 1, including encrypting the stored at least one entered question.

3. The method of claim 1, including the step of:
saving the at least one question prior to a determination that additional information is not necessary.

4. The method of claim 1, including the step of:
providing links to help files, wherein such help files assist the end user in providing at least one response to the at least one question, the at least one response relating to the business of the end user.

5. The method of claim 4, further comprising the step of providing at least one default response for the at least one question, the at least one default response corresponding to a generally accepted accounting principle.

6. The method of claim 4, including the step of:
emailing a question to a help reference.

7. An apparatus for enabling the development of implementation installation software wizards for complex software packages comprising at least one independent module, comprising:

at least one memory;

at least one executable file stored in the at least one memory;

the at least one executable file comprising at least one instruction for providing at least one question definition screen;

a monitor;

at least one processing unit to execute the at least one instruction to display the at least one question definition screen to at least one intermediate user, the at least one processing unit includes at least one input so the at least one intermediate user can input at least a first question, the first question to solicit information from an end user relating to a business of the end user, such that the end user can input business information specific to the end user; and

a compiler to write all the received information, wherein the received information is saved for the end user, wherein execution of the executable file solicits information from the end user to set options in and implement the at least one independent module of the complex software package.

8. The apparatus of claim 7, wherein the at least one memory, the at least one monitor, the at least one processing unit, the at least one input device, and compiler are coupled by at least one of a bus protocol, a wireless protocol, an intranet protocol, an extranet protocol, and html protocols.

9. The apparatus of claim 7, wherein the at least one memory comprises at least one help file.

10. The apparatus of claim 7, wherein the at least one processing unit includes a security module.

11. A computer program product comprising:

a computer usable medium having a computer readable code embodied therein for processing data to develop implementation installation software wizards set up by an expert to assist an end users in installing business related complex software packages comprising at least one independent module on a computer system of an end user, the computer usable medium comprising:

a question generation module configured to generate at least one question definition screen;

a receiving module configured to receive at least one question designed to solicit information from an end user relating to a business of the end user;

a determining module configured to determine whether the business related complex software packages requires additional information to implement the business related complex software on the computer system of the end user;

a linking module configured to provide links to next questions if additional information is determined to be needed to implement the business related complex software for the end user;

a saving module configured to save the at least one received question; and

a compiling module configured to write the at least one received question saved by the saving module into the implementation software wizard for the end user.

12. (original): The computer program product of claim 11, comprising:
an encryption module configured to provided encryption.

13. (original): The computer program product of claim 11, comprising:
a help module configured to provide help relating to the at least one question.

14-20. (canceled)

21. A method for generating a software implementation installation application to install complex business related software comprising at least one independent module plurality of interrelated independent modules where the business related software requires business operating information from an end user to be properly installed, the business related information being specific to a

business of a specific end user and necessary to install the business related software package for the specific end user; the method comprising the steps performed on a computer of:

- identifying a plurality of business operating information necessary to implement and install the business related software;

- generating at least one edit question screen;

- the at least one edit question screen having a first input field for an expert user to enter at least one question designed to solicit business operating information from an end user;

- the at least one edit question screen having a second input field for the expert user to insert jump information, the jump information linking to at least one next question designed to solicit additional business operating information from the end user based on a plurality of possible answers from the end user to the at least one question;

- inputting the at least one question and the jump information;

- determining whether additional business operating information is necessary to complete implementation installation of the business related software;

- if additional information is necessary, generating a next question edit screen and inputting another at least one question and jump information; and

- if additional information is not necessary, compiling a business software implementation installation application using generated questions and linked generated next questions to solicit business operating information from the end user, wherein the solicited business information is used to set conditions in the plurality of interrelated independent modules.

22. The method of claim 21, further comprising the step of generating at least one help definition screen for each edit question screen.

23. The method of claim 21, further comprising the step of providing a default business operating information answer for each generated edit question screen.

24. The method of claim 21, further comprising the step of encrypting the inputted at least one question and jump information.

25. The method of claim 21 wherein the determining step includes comparing whether the inputted at least one question solicits all the plurality of business operating information necessary to install the business related software.

26. The method of claim 21, further comprising the step of saving the inputted at least one question and jump information prior to compiling the business software installation application.

27. A computer-readable medium having computer-executable instructions for performing the acts of claim 1.

28. A computer-readable medium having computer-executable instructions for performing the acts of claim 21.

29. A computer program product comprising:
a computer usable medium having computer readable code embodied therein for processing data to create a business software implementation installation application that implements at least one independent module associated with the business software, the computer usable medium comprising:
a business information solicitation module configured to generate and display an edit question screen, the edit question screen having a first input field for an expert user to enter a plurality of questions designed to solicit business

operating information from an end user corresponding to a plurality of possible answers that are specific to the end user, and a second input field for the expert user to insert a plurality of jump information, the plurality of jump information corresponds to the plurality of possible answers and a business installation software application to a next question based on an answer to be provided by the end user;

an input module configured to accept input from the intermediate user regarding the plurality of questions, the plurality of possible answers, and the plurality of jump information; and

a compiling module configured to write the plurality of questions, the plurality of possible answers, and the plurality of jump information into the business software implementation installation application,

wherein the answers provided by the end user are used to set conditions in at least one independent module the plurality of interrelated independent modules and wherein later addition of independent modules uses the answers from the end user to ensure the later addition independent modules are implemented consistent with the business software package.

30. The computer program product of claim 29, further comprising a processor identification module configured to obtain computer system information about the system on which the business software package is being installed.

31. The computer program product of claim 30, wherein the computer information system information includes information necessary to load the computer program.

32. A computer program product:

a computer usable medium having computer readable code embodied therein for processing data to implement at least one business software application comprising at least one independent module, the computer usable medium comprising

an identifying module configured to identify at least one software package to be implemented;

a displaying module configured to display at least one question inputted by an expert user to solicit business operating information from at least an end user needed to install the business software application on a system of the end user;

an input module configured to receive the business operating information solicited by the displaying module; and

a jump module configured to jump to a next question to solicit additional business operating information from the end user needed to install the business software application, the jump module jumps to the next question based on jump information provided by the expert user and business operating information from the end user; and

a system configuration module configured to implement the business software application once necessary business operating information is received by using answers from the end user to set conditions in the at least one independent module.

42338.830001.001
Serial No. 09/998,415

EVIDENCE APPENDIX

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of)	
)	
Wiginton et al.)	
)	Group Art Unit: 2193
Serial No. 09/998,415)	
)	Examiner: Ingberg
Filed: November 29, 2001)	
)	
For: METHODS AND)	
APPARATUSES FOR BUILDING)	
<u>INSTALLATION SOFTWARE</u>)	

AFFIDAVIT UNDER 37 C.F.R. §1.132 OF Brian Kinnear

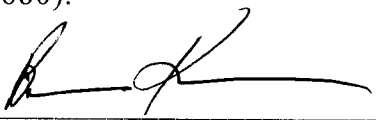
Mail Stop: Non-Fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313

Sir:

I, Brian Kinnear, am the attorney of record of the above referenced patent applications, and I hereby declare as follows:

1. The above reference patent application relates to methods and apparatuses for building installation software.
2. Attached as Exhibit 1 to this affidavit is a true and correct copy of The American Heritage Dictionary of the English Language New College Edition.
3. Exhibit 1 defines "install" as "To set in position and connect or adjust for use." (See The American Heritage Dictionary of the English Language New College Edition 1978 at page 680).

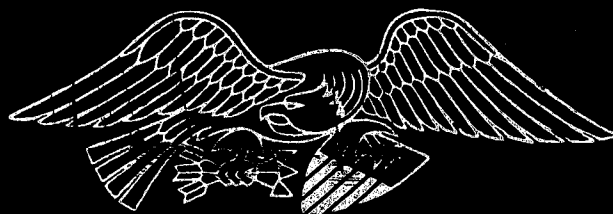
Dated: October 25, 2006



Brian Kinnear

EXHIBIT 1

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in Maynard, Massachusetts

manner or speech; arrogant. 2. Audaciously impudent; impertinent. [Middle English, from Latin *insolens*, perhaps originally "unusual," "quaint": *in-*, not + *solens*, present participle of *solere*, to use (see *obsolete*).] —*in-sol-ent-ly* *adv.*

in-sol-u-ble (in-sól'yá-bəl) *adj.* 1. Incapable of being dissolved. 2. Not able to be solved or explained. [Learned respelling of Middle English *insoluble*, from Latin *insolubilis*: *in-*, not + *solvere*, to solve.] —*in-sol'u-bil'i-ty*, *in-sol'u-ble-ness* *n.* —*in-sol'u-bly* *adv.*

in-solv-a-ble (in-sól'və-bəl) *adj.* Incapable of being solved.

in-sol-ven-cy (in-sól'vən-sē) *n.* The state or condition of being insolvent.

in-sol-vent (in-sól'vənt) *adj.* 1. Unable to meet debts or discharge liabilities; bankrupt. 2. Pertaining to insolvency or bankrupt persons. —*n.* One who is insolvent.

in-som-ni-a (in-sóm'nē-ə) *n.* Chronic inability to sleep. [Latin, from *insomnis*, sleepless: *in-*, not + *somnus*, sleep (see *swep-* in Appendix*).] —*in-som'ni-ous* *adj.*

in-som-ni-ac (in-sóm'nē-ák') *n.* A person with insomnia.

in-so-much (in'sō-much') *adv.* 1. To such extent or degree. Used with *as* or *that*. 2. Since; inasmuch. Used with *as*. [Middle English *in so much*, translation of Old French *en tant (que)*.]

in-sou-ci-ance (in-sō'sē-əns) *n.* Lack of concern; indifference.

in-sou-ci-ant (in-sō'sē-ənt) *adj.* Blithely indifferent; carefree. [French: *in-*, not + *souci*, present participle of *soucier*, to trouble, upset (reflexively, "to care"), from Latin *solicitare*, to agitate, vex (see *solicit*).] —*in-sou'ci-ant-ly* *adv.*

in-soul. Variant of *ensoul*.

insp. inspected; inspector.

in-spect (in-spěkt') *tr.v.* -spected, -specting, -spect. 1. To examine carefully and critically, especially for flaws. 2. To review or examine officially. [Latin *inspectare*, frequentative of *inspicere* (past participle *inspectus*), to look into: *in-*, in + *specere*, to look (see *spek-* in Appendix*) or from Latin *inspector*, from *inspicere* (past participle *inspectus*).]

in-spec-tion (in-spěk'shən) *n.* 1. The act of inspecting. 2. Official examination or review. —*in-spec'tion-al* *adj.*

in-spec-tive (in-spěk'tiv) *adj.* Given to inspecting; searching; watchful; *an* *inspective* *glance*.

in-spec-tor (in-spěk'tər) *n.* *Abbr.* *ins.* 1. A person, especially an official, who inspects. 2. A police officer of the rank next below superintendent. —*in-spec'to-ral*, *in-spec'to'ri-al* (-tōr'ē-əl, -tōr'ē-əl) *adj.* —*in-spec'tor-ship* *n.*

in-spec-tor-ate (in-spěk'tər-īt) *n.* 1. The office or duties of an inspector. 2. A staff of inspectors. 3. An inspector's district.

inspector general *pl.* *inspectors general*. *Abbr.* *IG*, *I.G.* An officer having general investigative powers within a civil, military, or other organization.

in-sphere. Variant of *ensphere*.

in-spi-ra-tion (in'spō-rā'shən) *n.* 1. Stimulation of the faculties to a high level of feeling or activity. 2. The condition of being so stimulated. 3. An agency, such as a person or a work of art, that moves the intellect or emotions. 4. Something that is inspired, as an idea or action. 5. *Theology*. Divine guidance or influence exerted directly upon the mind and soul of man. 6. The act of breathing in; inhalation.

in-spi-ra-tion-al (in'spō-rā'shən-əl) *adj.* 1. Of or pertaining to inspiration. 2. Providing, or intended to convey, inspiration. 3. Resulting from inspiration. —*in-spi-ra'tion-al-ly* *adv.*

in-spi-ra-tor (in'spō-rā'tər) *n.* 1. An inhaler. 2. A respirator.

in-spi-ra-to-ry (in'spī-rā-tōr'ē, -tōr'ē) *adj.* Pertaining to or used for the drawing in of air.

in-spire (in-spīr') *v.* -spired, -spiring, -spires. —*tr.* 1. To animate the mind or emotions of. 2. To stimulate to an indicated feeling or action. 3. To elicit; create: *a woman capable of inspiring love*. 4. *a.* To affect, guide, or arouse by divine influence. *b.* To communicate by divine influence. 5. To inhale (air). 6. *Archaic.* *a.* To breathe upon. *b.* To breathe life into. —*intr.* 1. To rouse latent energies, ideals, or reverence. 2. To inhale. [Middle English *inspire*, from Old French *inspirer*, from Latin *inspirare*, to breathe into: *in-*, into + *spirare*, to breathe (see *spirare* in Appendix*).] —*in-spīr'er* *n.*

in-spir-it (in-spīr'it) *tr.v.* -ited, -iting, -its. 1. To instill courage or life into; animate; enliven. [*in-* (causative) + *SPIRIT*.]

in-spis-sate (in-spis'āt, in'spi-sāt') *v.* -sated, -sating, -sates. —*tr.* To cause to thicken, as by boiling or evaporation; condense. —*intr.* To thicken. [Late Latin *inspissare*; Latin *in-* (intensive) + *spissare*, to thicken, from *spissus*, thick.] —*in'-spis-sa'tion* *n.* —*in-spis'sa-tor* (in-spis'ā'tər) *n.*

inst. 1. instant. 2. institute; institution. 3. instrument.

Inst. institute; institution.

in-sta-bil-i-ty (in'stā-bil'ə-tē) *n.*, *pl.* -ties. Lack of stability.

in-stall (in-stōl') *tr.v.* -stalled, -stalling, -stalls. Also *in-stal*, -stalled, -stalling, -stalls. 1. To set in position and connect or adjust for use. 2. To put in an office, rank, or position. 3. To settle in a place or condition indicated; establish. Used reflexively. [Old French *installier*, from Medieval Latin *installare*: *in-* (causative) + *stallum*, place, stall (see *stel-* in Appendix*).] —*in-stall'er* *n.*

in-stal-la-tion (in'stā-lā'shən) *n.* 1. The act of installing or the state of being installed. 2. A system of machinery or other apparatus set up for use. 3. A military base or camp.

in-stall-ment (in-stōl'mənt) *n.* Also *in-stal-ment*. 1. One of several successive payments in settlement of a debt. 2. A portion of anything issued at intervals. 3. A chapter or part of a work presented serially. [Variant of earlier *estallment*, from Norman French *estalement*, from *estaler*, to fix (as payments), from *estal*, place, fixed position, from Old High German *stal*, place, stall. See *stel-* in Appendix.*]

in-stall-ment (in-stōl'mənt) *n.* Also *in-stal-ment*. Installation.

installment plan. A credit system by which payment for merchandise is made in installments over a fixed period of time.

in-stance (in'stəns) *n.* 1. A case or example: "It may be thought an instance of vanity that I pretend at all to write my life" (Hume). 2. A legal proceeding or process; suit. 3. A step in proceeding: *In this instance I choose to remain silent*. 4. *a.* Prompting; request: *He called at the instance of his wife*. *b. Archaic.* Urgent solicitation. 5. *Obsolete.* An impelling motive. —See Synonyms at *example*. —*tr.v.* *instanced*, -stancing, -stances. 1. To offer as an example; cite. 2. To demonstrate or show by being an example of; exemplify. [Middle English *instauce*, from Old French *instance*, from Latin *instantia*, presence, perseverance, urgency, from *instans*, INSTANT.]

in-stan-cy (in'stən-sē) *n.* 1. Urgency. 2. Immediateness; instantaneity.

in-stant (in'stənt) *n.* *Abbr.* *inst.* 1. A very brief time; a moment. 2. A particular point in time: *the instant he arrives*. —See Synonyms at *moment*. —*adj.* *Abbr.* *inst.* 1. Immediate: *instant attention*. 2. Imperative; urgent: *an instant need*. 3. *Archaic.* *a.* Present; now under consideration. *b.* Of the current month. Compare *proximo*. 4. Prepared for rapid completion with minimal effort. —*adv.* *Poetic.* Instantly. [Middle English, urgent, immediate, from Old French, from Latin *instans*, present participle of *instare*, to stand upon, to be present, persist: *in-*, upon + *stare*, to stand (see *sta-* in Appendix*).]

in-stan-ta-ne-ous (in'stā-tā-nē-əs) *adj.* 1. Occurring or completed without perceptible delay. 2. Occurring at a specific instant. [Medieval Latin *instantaneus*, from Latin *instans*, urgent, INSTANT.] —*in'stā-tā-ne-ous-ly* *adv.* —*in'stā-tā-ne-ous-ness* *n.*

in-stan-ter (in'stāntər) *adv.* Instantly. [Medieval Latin, from Latin, urgently, from *instans*, urgent, INSTANT.]

in-stan-ty (in'stānt-lē) *adv.* 1. At once. 2. *Archaic.* Urgently. —See Synonyms at *immediately*. —*conj.* As soon as.

in-star (in-stār') *tr.v.* -starred, -starring, -stars. To stud with or as if with stars. [*in-* (causative) + *STAR*.]

in-star (in-stār') *n.* 1. An insect or other arthropod between molts, as during metamorphosis. 2. This stage of development. [New Latin, from Latin *instar*, image, form.]

in-state (in-stāt') *tr.v.* -stated, -stating, -states. To put in office; install. [*in-* (causative) + *STATE* (rank).]

in-stau-ra-tion (in'stō-rā'shən) *n.* *Archaic.* 1. Renovation; restoration. 2. Institution; establishment. [Latin *instauratio*, from *instaurare*, to restore. See *sta-* in Appendix.*]

in-stead (in-stēd') *adv.* In the place of that previously mentioned; as an alternative or substitute: *Planning to drive, he walked instead*. —*instead of*. In lieu of; rather than: "Instead of eating monkeys/They are eating Christians" (T.S. Eliot). [Middle English *in sted (of)*: *in* + *STEAD*.]

in-step (in'stēp') *n.* 1. The arched medial portion of the human foot. 2. The part of a shoe or stocking covering the instep. [Probably *in* + *STEP*.]

in-sti-gate (in'sti-gāt') *tr.v.* -gated, -gating, -gates. 1. To urge on; to goad. 2. To foment; stir up. —See Synonyms at *incite*. [Latin *instigare*: *in-* (intensive) + *stigare*, to spur on (see *steig-* in Appendix*).] —*in'sti-ga'tion* *n.* —*in'sti-ga'tive* *adj.* —*in'sti-ga'tor* (-gātər) *n.*

in-still (in-stīl') *tr.v.* -stilled, -stilling, -stills. Also chiefly British *in-stil*, -stilled, -stilling, -stills. 1. To introduce by gradual, persistent efforts; implant: "morality . . . may be instilled into their minds" (Jefferson). 2. To pour in drop by drop. [Latin *instillare*, to drip in: *in-*, in + *stillare*, to drip, from *stillat*, drop.] —*in'stil-la'tion* (in'stā-lā'shən) *n.* —*in'stil'er* *n.* —*in'stil'ment*, *in'stil'ment* *n.*

in-stinct (in'stingkt') *n.* 1. *a.* The innate aspect of behavior that is unlearned, complex, and normally adaptive. *b.* A powerful motivation or impulse. 2. An innate aptitude. —*adj.* (in-stingkt'). 1. *Obsolete.* Impelled from within. 2. Imbued. [Middle English, from Latin *instinctus*, instigation, from the past participle of *instingere*, to instigate, urge on: *in-*, on + *stingere*, to prick, incite (see *steig-* in Appendix*).]

in-stinc-tive (in'stingkt'iv) *adj.* 1. Of or pertaining to instinct. 2. Arising from instinct. 3. Deep-seated; inveterate. —See Synonyms at *spontaneous*. —*in-stinc'tive-ly* *adv.*

in-sti-tute (in'stā-tūt', -tyūt') *tr.v.* -tuted, -tuting, -tutes. 1. *a.* To establish, organize, and set in operation. *b.* To initiate; begin. 2. To establish or invest in a position. —*n.* 1. *Obsolete.* The act of instituting. 2. Something instituted; especially, an authoritative rule or precedent. 3. *Abbr.* *inst.*, *Inst.* An organization founded to promote some cause. 4. *Abbr.* *inst.*, *Inst.* *a.* An educational institution. *b.* The building or buildings of such an institution. 5. A short, intensive workshop or seminar on one specific subject. 6. *Plural.* A digest of the principles or rudiments of some subject; especially, a legal abstract. [Middle English *instiuten*, from Latin *instituere*, to establish, ordain: *in-*, in + *statuere*, to set up, from *stare* (past participle *status*), to stand (see *sta-* in Appendix*).]

in-sti-tution (in'stā-tū'shən, -tyū'shən) *n.* *Abbr.* *inst.*, *Inst.* 1. The act of instituting. 2. *a.* A relationship or behavioral pattern of importance in the life of a community or society. *b. Informal.* An ever-present feature; a fixture. 3. An established organization; especially, one dedicated to public service, as a university. 4. The building or buildings housing such an organization. 5. A place of confinement, as a mental asylum. —*in'sti-tu'tion-al* *adj.*

in-sti-tution-al-ism (in'stā-tū'shən-ə-liz'm, in'stā-tyū'-) *n.* 1. Belief in established forms; especially, belief in organized religion. 2. *a.* The system of civic or philanthropic institutions.

ā pat/ā pay/ār care/ā father/b bib/ch church/d deed/ē pet/ē be/f fife/g gag/h hat/hw which/i pit/i pie/tr pier/j judge/k kick/l lid, needle/m mum/n no, sudden/ng thing/ō pot/ō toe/ō paw, for/oi noise/ou out/ōō too/ōō boot/p pop/r roar/s sauce/sh ship, dish/

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RELATED PROCEEDINGS APPENDIX

NONE